

## REMARKS

1. Claims 1-12, 28-37 were rejected for obviousness-type double patenting over certain claims of U.S. patent application no. 10/797,972, now U.S. patent no. 7,148,104. A terminal disclaimer is attached to overcome the rejection.

2. Claims 28-37 were provisionally rejected for obviousness-type double patenting over Claims 16-25 of U.S. patent application 11/321,982. The applicant intends to amend the application 11/321,982 to overcome the rejection.

3. Claims 1-4, 7-10 were rejected under 35 U.S.C. 102(e) over U.S. patent no. 7,049,652 B2 to Mokhlesi et al.

Enclosed are DECLARATION UNDER 37 CFR 1.131 and DECLARATION OF MICHAEL SHENKER IN SUPPORT OF DECLARATION UNDER 37 CFR 1.131 to remove Mokhlesi as prior art with respect to Claims 1-4, 7-10. The two declarations establish the requisite conception and diligence as follows:

3-1. The conception before Mokhlesi's effective date of December 10, 2003 is established by the following portions of DECLARATION UNDER 37 CFR 1.131:

Claim 1: For paragraphs (a) and (d) of Claim 1, see section 3A of DECLARATION UNDER 37 CFR 1.131.

For paragraph (b) of Claim 1, see section 3B of DECLARATION UNDER 37 CFR 1.131.

For paragraph (c) of Claim 1, see section 3C of DECLARATION UNDER 37 CFR 1.131.

Claim 2: See section 3D of DECLARATION UNDER 37 CFR 1.131.

Claims 3, 4: See section 3E of DECLARATION UNDER 37 CFR 1.131.

Claim 7: See section 3F of DECLARATION UNDER 37 CFR 1.131.

Claim 8: See section 3G of DECLARATION UNDER 37 CFR 1.131.

Claim 9: See section 3H of DECLARATION UNDER 37 CFR 1.131.

Claim 10: See section 3I of DECLARATION UNDER 37 CFR 1.131.

3-2. The requisite diligence is shown by the DECLARATION OF MICHAEL SHENKER IN SUPPORT OF DECLARATION UNDER 37 CFR 1.131.

4. New Claims 38-51 are dependent claims supported by the original disclosure. In particular, Claim 38 is supported by the specification, page 17, line 2 (500Å for dielectric 310) and page 12, line 25 (250-450Å for dielectric 1820).

Claims 40-41, 45 are supported by page 15, paragraph 0082 (the "first dielectric" of Claim 41 reads on nitride 1610).

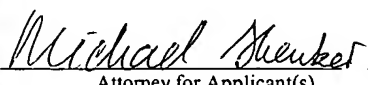
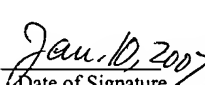
For Claims 43-44, 48-49 see paragraphs 0056, 0058.

For Claim 47, see Figs. 3A, 3B of the patent application.


For Claim 50, see page 4, lines 27-28.

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Any questions regarding this case can be addressed to the undersigned at the telephone number below.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 10, 2007.	
 Attorney for Applicant(s)	 Date of Signature

Respectfully submitted,

  
Michael Shenker  
Patent Attorney  
Reg. No. 34,250

Law Offices of  
MacPherson Kwok Chen & Heid LLP  
2033 Gateway Place, Suite 400  
San Jose, CA 95110  
Tel: (408) 392-9250 x212  
Fax: (408) 392-9262